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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,057	07/07/2000	Stephen R. Hanna	SMY-233.01	6807

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FOLEY HOAG, LLP  
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EXAMINER
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LIPMAN, JACOB

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/612,057

Applicant(s)

HANNA ET AL.

Examiner

Jacob Lipman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 14 is objected to because of the following informalities: Claim 14 recites, "apparatus used" in line 1. It should recite "An apparatus used". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-6, 11-26, and 31-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "a credential descriptor" in lines 4 and 9. It is unclear if these are the same or different. If they are two different descriptors, claim 2 is indefinite when it recites "the credential descriptor", in line 5, for it fails to specify which one. Claims 3 and 6 also refer back to "the credential descriptor". Claims 4 and 5 recite another descriptor in line 2 of each claim.
5. Regarding claims 11-26 and 31-35, the phrase "includes an input set of zero or more credentials" renders the claim indefinite because it is unclear what is included with an input set with zero credentials.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-26 and 31-35, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gatto, US Patent number 5,546,523.

With regard to claims 1, 6, 11, 13, 14, and 16, Gatto discloses a method of building credentials (identifiers) for a user of a device (column 3 lines 49-51) connected to a network (column 3 lines 32-34) including providing a plurality of credential descriptors (column 5 lines 64-column 6 line 2) to a first credential builder (column 3 lines 53-56), building a credential corresponding to one of the descriptors (column 6 lines 8-10), providing a descriptors, not yet built, to a second builder (e.g. if a fingerprint was built, providing a second ID), and building a second credential (column 6 line 2).

With regard to claims 2, 3, 12, 15, and 32, Gatto discloses evaluating the credentials (column 9 line 62-column 10 line 2).

With regard to claims 4, 17-26 and 33-35, Gatto discloses any combination is anticipated, including asking for a second fingerprint, asking for a third type of ID, or allowing only a specific order of ID input (adding or removing a builders and evaluators) (column 6 line 2).

With regard to claims 7-10 and 31, Gatto discloses that the builders are different devices (column 3 lines 53-56).

### ***Response to Arguments***


8. Applicant's arguments filed 7/26/2004 have been fully considered but they are not persuasive.

With regard to applicant's argument, that Gatto does not disclose credentials built at one network device travels over a network to reach another network device, the examiner points out that applicant does not claim network devices. Claim 1 recites "a device connected to a network". This device could be read as an entire ATM, but that is not how the examiner interpreted the claims. The device is a fingerprint reader, keypad, card reader, etc., as each is connected to the network. Applicant argues, "Gatto's arrangement cannot maximize efficiency". This is of no consequence to the examiner, as the claims do read on Gatto' invention. If applicant wishes to argue the advantages of the invention, they must be fully represented in the claims.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3738. The examiner can normally be reached on 7:00 - 4:00 (M-Th).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2134

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL